

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 76 of 2019

Ishwar Singh Nishad S/o Shri Amar Singh Nishad Aged About 29 Years
Guest Faculty (Commerce) At Government Pt. Shyam Shankar Mishra
Collage, Deobhog District Gariyaband Chhattisgarh, R/o 22/1, Bus Stand
Sharmapara, Bande, Bande Colony District Kanker, Chhattisgarh 494777

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District - Raipur Chhattisgarh.
2. Additional Director Director Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District - Raipur Chhattisgarh.
3. Commissioner Higher Education Department, Block C-3, 2nd And 3rd Floor, Indrawati Bhawan, Atal Nagar, District - Raipur Chhattisgarh.
4. Principal Government Pt. Shyam Shankar Mishra Collage, Deobhog District - Gariyaband Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Chandradeep Prasad, Advocate
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/01/2019

1. The petitioner in the present writ petition is aggrieved by the decision of the State Govt. dated 09.10.2018 Annexure P/1 whereby the State Govt., as a precautionary measure, has directed the concerned Principals of the Govt. Colleges not to appoint any Guest Faculty in respect of those subjects where in previous years the arrangement was being made by way of Guest Faculty.
2. The instruction so issued by the State Govt. appears to be in the light of some directions given by this Court in a couple of writ petitions, the leading of which being WPS No. 4938/2018 and other analogous matters which came up for hearing before this Court and where this Court had granted interim relief on 31.07.2018.

3. According to the petitioner, **he had** already been granted appointment and by virtue of appointment, **he is** still discharging **his duties**. Contention of the counsel for the petitioner is that the college in which the petitioner is working and also the subject which the petitioner is teaching, there is no litigation in as much as there is no writ petition against the said college and also against the subject in which the petitioner is teaching. It is the further contention of the petitioner that the order Annexure P/1 dated 09.10.2018 is only an order passed by the department to avoid a situation of contempt of Court. According to the petitioner, the contempt of Court would arise only in the event of there being a specific direction or a writ issued against a particular college or against a particular subject which in the instant case does not exist.
4. This fact is not disputed by the State counsel.
5. Given the said facts and also taking note of the directions given by this Court vide order dated 31.07.2018 in the bunch of writ petitions, it is evidently clear that this Court had granted interim protection to only those specific petitioners who had approached the High Court and the interim protection also was confined to the subject against which each of the petitioners were working. This Court in the subsequent series of litigation of similar nature had specifically mentioned that the recruitment process, if any, would be permitted to be continued except for filling up those posts where there is a claim by the previous academic sessions' guest faculties and the said interim order would come into force only in the event of the posts are lying vacant and it has not been filled up before the interim orders were passed by this Court.
6. Given the aforesaid facts, this Court is of the opinion that the services of the petitioner since have not been questioned in any other writ petition and that

the petitioner is still by virtue of appointment granted to him continuing in service, [his services](#) should not be discontinued.

7. With the aforesaid observation, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved